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HUMAN RIGHTS COMMITTEE

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT

Concluding observations of the Human rights Committee

SWEDEN

1. The Committee considered the fourth periodic report of Sweden (CCPR/C/95/Add.4 and HRI/CORE/1/Add.4) at its 1456th and 1457th meetings, on 23 and 24 October 1995 (see CCPR/C/SR.1456 and 1457) and adopted 1/ the following observations:

A. Introduction

2. The Committee welcomes the detailed report presented by Sweden which contains relevant information about changes and developments that have occurred since the consideration of the third periodic report. The Committee also welcomes the answers to questions raised and concerns expressed during the consideration of that report. It expresses its appreciation for the frank dialogue engaged with a competent delegation and for the comprehensive and thorough answers given orally to the wide range of questions asked by members.

B. Factors and difficulties affecting the implementation of the Covenant

3. The Committee finds that there are no significant factors or difficulties which should prevent the effective implementation of the Covenant in Sweden.

1/ At its 1470th meeting (fifty-fifth session), held on 1 November 1995.

C. Positive aspects

4. The Committee notes with appreciation the high level of achievement of Sweden with regard to the protection of the rights guaranteed in the Covenant.

5. The Committee welcomes the adoption of provisions prohibiting ethnic discrimination in the labour market as well as the additional powers given to the Ombudsman against Ethnic Discrimination by conferring upon him a litigating role in the Labour Court proceedings. It also welcomes the setting up of two parliamentary commissions on migration and immigration policies to identify gaps in legislation and to consider improvements in that regard, as well as the incorporation into the Penal Code of the concept of aggravating circumstances when a crime has had racial, ethnic, religious or other similar motivations.

6. The Committee welcomes the various steps taken by the Government, through legislation, studies, education programmes and integration of gender perspective in all policy areas, with a view to ensuring equality between men and women.

7. The Committee notes with satisfaction the adoption and entry into force on 1 February 1992 of the new Compulsory Mental Care Act and Forensic Mental Care Act, restricting the use of compulsory care.

8. The Committee expresses its appreciation for the creation of the post of the Office of the Children's Ombudsman, and for the provisions introduced in the Penal Code to protect children against sexual abuse, as well as for the monitoring system of intercountry adoption.

9. The Committee welcomes the amendment to the Code on Judicial Procedure, extending judicial review to the restrictions ordered by the public prosecutor to persons deprived of their liberty. The Committee also welcomes the extension of the right to free legal aid for the victims of crimes of violence and crimes involving infringement of physical integrity.

D. Principal subjects of concern

10. The Committee regrets that the Covenant as such cannot be directly invoked before Swedish courts and administrative authorities.

11. The Committee regrets the decision of the State party not to withdraw any of the reservations it made at the time of the ratification of the Covenant.

12. The Committee notes with concern that there is not yet any mechanism to implement views adopted by the Committee under the Optional Protocol to the Covenant.

13. The Committee notes that there remain areas where women are subject to de facto discrimination, in particular with regard to equality of remuneration. The Committee notes with concern that in certain areas, in particular in public offices, the situation of women with regard to equal remuneration for work of equal value has significantly deteriorated recently.

14. Despite efforts made by the Government to eliminate racial and ethnic discrimination, the Committee expresses its concern about the rise of racism and xenophobia within Swedish society and about the high rate of racist crimes and the increase of racist behaviour among the younger part of the population.

15. The length of detention of illegal immigrants, asylum-seekers and persons ordered to be expelled is a cause of concern for the Committee.

16. The Committee is concerned that the Board of Immigration and the Aliens Appeal Board may in certain cases yield their jurisdiction to the Government resulting in decisions of expulsion or denial of immigration or asylum status without the affected individuals having been given an appropriate hearing. In the Committee's view, this practice may, in certain circumstances, raise questions under article 13 of the Covenant.

17. In the view of the Committee, the amendment to the Code on Judicial Procedures stipulating that in certain cases both the convicted person and the public prosecutor need leave to appeal of the Court against a decision in a criminal case may raise in certain circumstances the question of compatibility with article 14, paragraph 5, of the Covenant.

18. The Committee notes that legislative provisions adopted recently by the Riksdag, and providing for the right for everyone to fish and hunt on public lands may have adverse consequences on the traditional rights of the members of the Sami people.

E. Suggestions and recommendations

19. The Committee recommends that all necessary steps be taken by the Government to give legal effects to the rights enshrined in the Covenant in the domestic legal order.

20. The Committee recommends that measures be taken for the establishment of a mechanism to implement the views adopted by the Committee under the Optional Protocol to the Covenant.

21. The Committee recommends that the reservations made to the Covenant be reviewed with a view to withdrawing them.

22. The Committee encourages the Government to continue its efforts to ensure that the principle of equal pay for equal work is effectively implemented.

23. The Committee strongly urges the Government to take appropriate measures to fight the emergence of racist and xenophobic attitudes among some elements of Swedish society. The Committee particularly stresses the importance, in that regard, of educational campaigns in schools and at all levels of society and of media campaigns aimed at building a society where diverse cultures can coexist in a spirit of harmony and enrich one another.

24. The Committee urges the State party to review its legislation governing asylum-seekers and the expulsion of aliens in order to limit the possibility

and extent of detention. The right to have a case reviewed by a competent authority should be available against all decisions of detention, expulsion and refusals of immigration or of asylum.

25. The Committee wishes to receive ample information in the next periodic report of Sweden on the implementation of the legislation on leave to appeal in criminal cases in the light of article 14, paragraph 5, of the Covenant.

26. The Committee recommends that the recognized customary rights of the Sami people be fully protected in the light of article 27 of the Covenant.